

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 42

Introduced by Landis, 46

Read first time January 4, 2001

Committee: Judiciary

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-605,
2 Reissue Revised Statutes of Nebraska, and section 60-601,
3 Revised Statutes Supplement, 2000; to define terms; to
4 provide for a rebuttable presumption of negligence for
5 use of a mobile telephone as prescribed; to harmonize
6 provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-601, Revised Statutes Supplement,
2 2000, is amended to read:

3 60-601. Sections 60-601 to 60-6,374 and sections 3, 4,
4 and 5 of this act shall be known and may be cited as the Nebraska
5 Rules of the Road.

6 Sec. 2. Section 60-605, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-605. For purposes of the Nebraska Rules of the Road,
9 the definitions found in sections 60-606 to 60-676 and sections 3
10 and 4 of this act shall be used.

11 Sec. 3. Mobile telephone shall mean any type of wireless
12 telecommunications device, whether hand-held or hands-free.

13 Sec. 4. Use of a mobile telephone shall mean actual
14 physical interaction with the mobile telephone either by physically
15 holding, picking up, or setting down the handset of the mobile
16 telephone, dialing or pressing keys of the handset of the mobile
17 telephone, or talking into or listening to the mobile telephone, as
18 part of a voice telephone call.

19 Sec. 5. Use of a mobile telephone while simultaneously
20 operating a motor vehicle creates a rebuttable presumption of
21 negligence if the operator of the motor vehicle is involved in a
22 traffic accident during such use. This section does not apply to
23 an operator of an authorized emergency vehicle.

24 Sec. 6. Original section 60-605, Reissue Revised
25 Statutes of Nebraska, and section 60-601, Revised Statutes
26 Supplement, 2000, are repealed.